

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

JOHN L. FAIRLEY CIVIL ACTION NO. 6:18-1037
VERSUS MAGISTRATE SUMMERHAYS
OMEGA PROTEIN, INC. MAGISTRATE JUDGE WHITEHURST

MEMORANDUM RULING AND ORDER

Before the Court is the Motion to Transfer [Doc. 9] filed by defendant Omega Protein, Inc., who moves to transfer the above-referenced matter to the United States District Court for the Southern District of Mississippi. In support of its motion, Omega Protein argues the claims asserted in this case have no connection to Western District of Louisiana; at the time of the alleged accident, Fairley was a resident and domiciliary of Moss Point, Mississippi, which is within the Southern District of Mississippi, and did not at any relevant time reside in Louisiana; Fairley sought employment with Omega Protein at its facility in Moss Point, Mississippi, within the Southern District of Mississippi; Fairley was hired by Omega Protein at its facility in Moss Point, Mississippi and worked solely out of the Moss Point facility, within the Southern District of Mississippi; at around the time of the alleged accident, Fairley did not perform any work for Omega Protein in Louisiana; Fairley was a member

of the crew of the Omega Protein vessel, F/V GRAND CHENIERE, which operated solely out of the Omega Protein facility and dock in Moss Point, Mississippi, within the Southern District of Mississippi, and at no time relevant to this case did the F/V GRAND CHENIERE operate out of any port or facility in Louisiana; the voyage on which the accident is alleged to have occurred began when the vessel departed from Moss Point, Mississippi, and ended when the vessel docked at Moss Point, Mississippi, within the Southern District of Mississippi; at the time of the alleged incident, all of Omega Protein's land-based personnel responsible for the manning, operation, safety, and maintenance of the F/V GRAND CHENIERE were based in Moss Point, Mississippi, within the Southern District of Mississippi; the accident is alleged to have occurred at 3004N; 88-47-36W, which is a location in the Gulf of Mexico, offshore Mississippi, within the jurisdiction of the Southern District of Mississippi; the alleged incident was investigated by Omega Protein employees who were employed by Omega Protein in Moss Point, Mississippi, within the Southern District of Mississippi; the F/V GRAND CHENIERE had a fifteen (15) person crew at the time of the alleged accident, and of that crew, twelve (12) were residents of Mississippi, two were residents of Alabama and one was a citizen of Sinaloa, Mexico, while none of the crew resided or was domiciled in Louisiana. All worked out of the Omega Protein facility in Moss Point, Mississippi, within the

Southern District of Mississippi; none of the potential witnesses to the alleged accident resided or were employed in Louisiana. All potential witnesses to the alleged accident either resided or worked within the Southern District of Mississippi; the witnesses were residents of Mississippi, Alabama and Mexico, but none were residents of Louisiana; all known medical providers and all known medical records are located within the Southern District of Mississippi, while no known medical providers or records are located in Louisiana.

In short, the movant argues the sole contact between this case and the State of Louisiana involves the location of the office of plaintiff's attorney. The motion is unopposed, and the plaintiff has offered no facts in contravention of the facts set forth above.

Considering the foregoing, and it appearing that the pending motion is well-grounded in law and fact, the Motion to Transfer [Doc. 9] filed by defendant Omega Protein, Inc. is hereby GRANTED, and the instant matter is TRANSFERRED to the United States District Court for the Southern District of Mississippi.

THUS DONE AND SIGNED at Lafayette, Louisiana, this 11th day of January, 2019.

A handwritten signature in black ink, appearing to read "Carol B. Whitehurst", written over a horizontal line.

CAROL B. WHITEHURST
UNITED STATES MAGISTRATE JUDGE